

the motions. Previously, on August 14, 2018, counsel for the Plaintiffs and WHR met in person in an attempt to resolve the issues raised in Docket Nos. 83 and 85.

**Docket #55 – Alliantgroup Motion to Compel and
Motion for Leave for Additional Deposition**

3. In its Motion, Alliantgroup seeks to compel (a) answers to seven deposition questions, (b) a second deposition of Volker, as Plaintiffs' designated expert witness, and (c) the production of four categories of documents: (i) an allocation form mentioned in Volker's deposition, (ii) EE's business plan and iterations thereto, (iii) all EE's presentations to third parties regarding Section 179D, and (iv) all EE's lists of Section 179D certifiers provided to third-parties.

4. On May 31, 2018, Efficiency Energy produced the allocation forms identified by Mr. Volker in his deposition. As a result, Alliantgroup and Volker/EE agree that that issue is now moot. Despite good faith efforts, Alliantgroup and Volker/EE were unable to reach agreement as to any of the other issues in this Motion.

**Docket #62 – Alliantgroup Motion to Compel Answers to
Interrogatories**

5. In its Motion, Alliantgroup seeks to compel Plaintiffs to respond to six (6) Interrogatories. Alliantgroup and Plaintiffs have reached agreement as to Interrogatory No. 1 and have agreed that Interrogatories No. 5 and No. 6 are now moot as a result of the filing of Plaintiffs' Second Amended Petition. Despite good

faith efforts, Alliantgroup and Plaintiffs were unable to reach agreement as to Interrogatories 2-4.

DOCKET #83 – WHR’s Motion for Protective Order and
DOCKET #85 – Plaintiff’s Cross-Motion to Compel Discovery Responses and
to Compel Deposition Testimony

6. WHR and Plaintiffs have resolved all issues with respect to these two Motions.

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Respectfully submitted,

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